

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
AT GREENEVILLE

STATE OF TENNESSEE

V.

ESCAPES!, INC., ET AL

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NO. 2:13-CV-343

ORDER

The parties have filed a Joint Motion [Doc. 94] to modify certain dates and discovery limits in the scheduling order. It is before the United States Magistrate Judge under the standing orders of this Court and 28 U.S.C. § 636. The Motion is partially granted as follows:

1. There will be no limit on the number of depositions any party may take.
2. The parties have requested, and agreed, that there will be no limit on the number of hours or days each deposition may last. However, the Court has been advised by the District Judge that he is concerned about extending the length of a deposition beyond that allowed by F.R.Civ.P. 30(d)(1) without the consent of the witness being deposed. Accordingly, a deposition of a witness will be limited to 1 day of 7 hours unless the witness shall consent to the deposition being extended.
3. Rather than 25 interrogatories, Plaintiff shall be permitted to propound 40 interrogatories times the number of Defendants and Relief Defendants, with no more than 50 interrogatories to be served on any one Defendant or Relief Defendant.

The parties also ask that certain other deadlines in the January 30, 2015 scheduling

order be modified. The Court has no difficulty with the requests regarding disclosure of expert witnesses, alternative dispute resolution/mediation, the discovery cut-off, motions to amend the pleadings or add new parties, or for judgment on the pleadings pursuant to F.R.Civ.P. 12(c). However, the parties propose extending the deadlines for exchanging exhibits and witness lists and the taking of depositions for proof on June 30, 2016, *after* the deadline for filing motions in limine, and less than a week before the final pretrial conference on July 6th, when the Magistrate Judge is to hear them. This renders the motion in limine deadline of June 14th meaningless. The parties must have time to file their motions in limine, and the Court must have time to read them and the responses prior to hearing them at the final pretrial conference.

The parties also propose a dispositive motion deadline of April 5, 2016, less than 4 months before the August 2, 2016 trial date set by Judge Greer, and reaffirmed in his order [Doc. 93] of March 5, 2015. This is simply not adequate time for the Court to consider and decide these motions after responses are filed.

Accordingly, the following deadlines are established:

- a. **Expert Testimony**: Plaintiff's expert disclosures will be due on or before October 7, 2015, and Defendant's expert disclosures will be due on or before November 12, 2015. Any objections to a proposed expert witness's qualifications, or that witness's competency to offer an expert opinion, or any objection to an expert's testimony under Federal Rules of Evidence 701 through 706 and *Daubert*, shall be filed by December 8, 2015.

- b. **Alternative Dispute Resolution/Mediation**: On or before August 3, 2015, the Parties shall jointly notify the Court, in a pleading to be filed in the same manner as other pleadings, as to whether or not an agreement has been reached by the parties to utilize mediation.
- c. **Discovery Cut-Off** : Discovery will be completed by January 6, 2016.
- d. **Exhibits and Witness Lists** : *As set forth in the present scheduling order*, the parties shall exchange exhibits and witness lists by May 31, 2016.
- e. **Depositions for Proof**: *As set forth in the present scheduling order*, depositions for evidence shall be conducted by May 31, 2016.
- f. Any motions to amend the pleadings or add new parties must be filed by August 10, 2015.
- g. Any motion for judgment on the pleadings filed pursuant to Rule 12(c) shall be filed by September 7, 2015.
- h. All dispositive motions will be filed by February 5, 2016. *No extensions of time for filing responses or replies beyond the period allowed by the Local Rules will allowed.*

SO ORDERED:

s/ Dennis H. Inman
UNITED STATES MAGISTRATE JUDGE